

Stephen Darwall

Morality, Authority, and Law: Essays in Second-Personal Ethics I.
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Imagine that I stomp my foot atop yours, causing you pain. I should, no doubt, remove my offending foot. I've got a *reason* to do so. But how are we to understand this reason? One attractive answer, familiar from the utilitarian tradition, is that 'from the point of view of the universe' it would be best if I removed my foot, and that it is this consideration from which I ought to act. However, one might worry that this leaves out something of considerable normative importance. A foot-stomping of this sort brings into play a battery of what are sometimes called 'second-personal' considerations. For instance, one might think that you are in a special position to *address to me* the demand that I remove my foot, and that if you do, I ought to remove my foot as a way of *acknowledging your authority* to issue such a demand. If I, on the other hand, refuse to remove my foot, you might resent me, and in so doing *hold me accountable* for what I've done. All of this is meant to emphasize that there's a sense in which my removing my foot is something I *owe to you*—it isn't just something that is best from an impersonal standpoint, but something I ought to do out of regard for a specific person. This is the aspect of moral thought and practice to which Stephen Darwall first drew our attention in his 2006 book *The Second-Person Standpoint* (Cambridge, Mass.: Harvard University Press).

In this new two-volume collection of essays, Darwall elaborates and builds upon the themes of his earlier book, both by deepening the metaphysical account of second-personal reasons and attitudes, and by exploring the myriad ways in which the view touches upon meta-ethics, moral psychology, political and legal philosophy, and history. Both volumes can profitably be read by someone who has no prior familiarity with Darwall's theory—indeed, each of the papers is a free-standing piece of philosophy, readable in isolation from the others. But the book will also be of interest to those who have studied *The Second-Person Standpoint*, and have awaited Darwall's elaborations. The papers are across the board subtle, challenging, lively, and insightful. Every student of moral philosophy will want to take note. In what follows, I shall summarize the sections of the volumes, and then conclude with some critical discussion.

The first volume contains three sections. Section One takes up what are best described as meta-ethical issues. There Darwall makes a contribution to the debate over the distinction between ancient ethics and modern moral theory ('Morality's Distinctiveness'), outlines a strategy for deriving morality's content from its second-personal form ('Moral Obligation: Form and Substance'), argues that the fact that an act is wrong can, in itself, constitute a reason against performing it ('But it Would Be Wrong'), and attacks Jonathan Dancy's moral particularism ('Morality and Principle'). Of particular interest for those seeking to better understand the structure of Darwall's account in the earlier book is a paper that attempts to explicate the relationship between what he calls a 'bipolar

obligation' and a 'moral obligation *period*' ('Bipolar Obligation'). Whereas a bipolar obligation is owed to some individual in particular, a moral obligation *period* is owed to members of the moral community at large. Darwall's contention is that these latter obligations are second-personal—they're owed to all members of the moral community—and that they're necessary for, and thus are conceptually prior to, obligations of the bipolar variety. Being specially obligated to particular individuals in the way that *I* might owe it to *you* to remove my foot, in other words, requires the existence of moral obligations owed to the whole moral community.

The second section focuses on autonomy. There Darwall argues that a person can paradoxically take a second-personal stance toward herself, and then exploits this insight to show how the fact that a person desires something gives her a reason for pursuing it ('Because I Want It'). In the second paper, Darwall gives an argument for autonomy's importance, not by showing that it is a good to be promoted, but by showing that it is something which a person can claim the right to exercise ('The Value of Autonomy and Autonomy of the Will'). This paper will be of help especially to those working on the topic of paternalism, about which there has been renewed interest in recent years.

The third section explores the implications of the second-person standpoint for the topics of authority and legal philosophy. Two papers address Joseph Raz's well-known *service conception* of authority ('Authority and Second-Personal Reasons for Acting' and 'Authority and Reasons: Exclusionary and Second Personal') and argue that Raz is able to make sense neither of the second-personal character of the reasons generated by an authority's commands, nor of the alleged ability of such commands to preempt other considerations that an agent would typically take to bear on the question of what to do. The final two papers suggest that one of the purposes of the law is to hold agents accountable in a second-personal manner ('Law and the Second-Person Standpoint' and 'Civil Recourse and Mutual Accountability').

The second volume similarly contains three sections. Darwall begins with a section of four essays on respect. He differentiates between moral systems that place 'honor respect' at their centre, and those that place 'recognition respect' at their centre ('Respect as Honor and As Accountability'). The former pertains to treatment afforded to someone because of her social position, while the latter, more modern, kind of respect is what we refer to when we talk of 'equal respect for persons'—the kind that each person is owed by virtue of her being a person at all. The section's chief purpose is to help us better understand recognition respect by contrasting it with this older notion of honor respect. But these papers will also be of interest to students of history—there is a paper that explores Mill's views about the unmoralized sentiment of resentment ('Justice and Retaliation'), a paper about Nietzsche's notion of *ressentiment* ('*Ressentiment* and Second-Personal Resentment'), and also a paper about Adam Smith's ambivalence about the two kinds of respect ('Smith's Ambivalence about Honor').

In the second section, Darwall considers some implications of second-personal ethics for interpersonal relationships. There he takes on the familiar topics of promising and special obligations within relationships ('Demystifying Promises' and 'Responsibility within Relations') and also the less often discussed issue about what it means to 'be with' another, in a sense highlighted by Heidegger and Buber ('Being With').

The last section contains historical papers on the philosophies of Grotius ('Grotius at the Creation of Modern Moral Philosophy'), Pufendorf ('Pufendorf on Morality, Sociability, and Moral Powers'), Fichte ('Fichte and the Second-Person Standpoint'), and Kant ('Kant on Respect, Dignity,

and the Duty of Respect'). Fans of *The Second-Person Standpoint* will know that Darwall is a philosopher deeply immersed in the tradition's history, as he draws upon a wide array of ideas from authors of the past. But these papers remind us that Darwall is also the author of *The British Moralists and the Internal 'Ought'* (Cambridge: Cambridge University Press, 1995)—a rich piece of historical scholarship. Like that book, these papers are dense, careful, and explore historical ideas not just with an eye to learning what some of the greats happened to say, but with the conviction that their thoughts can illuminate and enliven contemporary debates.

Over the course of these volumes, Darwall never attempts to define any second-personal concepts in terms of concepts or ideas that are not themselves second-personal. Although *practical authority*, *responsibility to*, *valid claims or demands*, and *second-personal reasons* are inter-definable notions, he insists that 'no set of propositions that do not already involve [these notions] can possibly entail any proposition of moral right, responsibility, obligation, and so on' (I, 142). But by considering the application of second-personal concepts to a variety of topics, the reader comes to grasp or recognize those concepts. At least, that seems to be the hope.

Nevertheless, even after much illuminating discussion, some fundamentally important features of the second-person standpoint remain somewhat mysterious. To illustrate, note that a second-personal attitude, demand, or reason doesn't merely play a role in an agent's own subjective emotional or attitudinal economy. It reaches out and establishes normative relations with others. Darwall expresses this idea in a variety of ways. For instance, he criticizes Humean sentimentalism on grounds that 'neither Humean esteem nor love involves any form of *relating to* its object' (I, 10). He says that what an account of the second-person standpoint helps us appreciate is that certain important moral attitudes address another agent and '*hold her responsible*' (I, 10). He tells us that certain directives alter an agent's normative situation by the way they are '*addressed to* those to whom they apply' (I, 135). He explicates what it is to respect someone as a person by saying that it is 'not just to regulate one's conduct by the fact that one is accountable to him... [but] to *make oneself or be* accountable to him' (II, 21). The volumes are filled with statements that differentiate second-personal concepts from their non-second-personal counterparts by emphasizing words like 'hold' and 'address' and 'relate'. The nagging issue that remains is that even if the reader has her attention drawn to a genuine phenomenon here, there is still work to be done if we are to *understand* what it is for the attitudes, directives, and reasons to do these things. The language of 'holding' 'addressing' 'relating', and so forth can only take us so far. So we might ask how, exactly, an attitude in your head manages to not just be about me, but 'hold' me accountable, and what would it mean for it to fail to do this. Or we might similarly ask about how making a demand manages to 'address' me, in a way that doesn't just call my attention to some normatively salient consideration, but that itself alters my normative situation. While Darwall draws upon an array of examples from art, sports, psychology, and so forth to help bring the second-personal standpoint into view, it still seems like we need a metaphysical account of how something that goes on in your mind, or how something that you say, can reach out and alter my normative situation so significantly. Yet, Darwall seems sometimes to shy away from puzzling about this.

This is a complaint that one might raise about Darwall's earlier work, but the new essays make it all the more pressing. I'll give two examples. First, consider the issue of authority and Darwall's critique of Raz. When Raz writes about the topic, he is addressing a specific puzzle about how a commander's directive could possibly *preempt* a person's other reasons for acting, supplying her with a reason to act against the reasons she otherwise takes to be the weightiest. Darwall criticizes Raz on grounds that his account fails to appreciate authority's second-personal character, and that it

isn't able to make sense of the preemptory character of an authority's commands without the resources provided by the second-person standpoint. Darwall might be correct about this. However, his positive point is that 'the capacity to create preemptive reasons is... inextricably bound up with accountability' (I, 165), and that there can be 'no preemptive reasons without the [second-personal] standing to hold accountable' (I, 154). The problem is that without a better understanding of what it means, metaphysically speaking, for an attitude or a command to address another and to hold her accountable, it's not clear how Darwall's account will solve the puzzle to which Raz's account is addressed. That is, it's not clear how a person's commands could simply silence the considerations that would otherwise determine what another person would do.

To give one other example, Darwall suggests that the purpose of granting awards to a victim through private or civil law is neither to exact revenge on a wrongdoer, nor to (merely) repair wrong that was done. It is also to 'enable individuals to hold their victimizers answerable by respectfully demanding respect' (I, 195-6). So an award from a civil court can 'hold someone answerable'—much as a moralized attitude like resentment might. But how is it that what the court does manages this feat? Of course, it will bring about a transfer of resources. And it will do so using certain procedures that are taken to be just. But in what sense does this transfer *address* someone, or *hold them accountable*? What would it mean for an award to fail to do this, and how does the justice of the proceedings successfully hold someone accountable where other procedures would not? One suspects that if we had a better handle on what was going on with the second-person attitudes, and the 'holding' and 'addressing' that they do, it would be easier to grasp the whole of what is going on in the case of an award given in a judicial proceeding.

Perhaps, though, this is to ask too much. Darwall has made a powerful argument for the centrality of the second-personal standpoint for the discipline of ethics. Like all good works of philosophy, these volumes are likely to leave the reader not only convinced of a central truth at their core, but also convinced that there's much edifying work left to be done on this topic.

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